



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/166754

PRELIMINARY RECITALS

Pursuant to a petition filed June 18, 2015, under Wis. Admin. Code, §HA 3.03(1), to review a decision by Milwaukee Enrollment Services to deny FoodShare benefits (FS), a hearing was held on July 7, 2015, by telephone.

The issue for determination is whether petitioner's income is over the FS limit.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Belinda Brown
Milwaukee Enrollment Services
1220 W. Vliet Street
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner received FS until the end of February, 2015. At that point FS stopped because petitioner's income increased. See Exhibit 6, the 1/26/2015 notice of decision.
3. Petitioner currently receives \$1,212 per month in social security. She also works, and in June, 2015 the agency worker obtained petitioner's last two pay stubs. Petitioner also had unemployment compensation in June, 2015. The worker determined that gross income was \$2,225.73.

4. Petitioner paid \$585 per month rent until recently; it has decreased to \$440. Her only utility is her phone.

DISCUSSION

In determining the amount of FS to be issued each month, the county must budget all of the recipient's nonexempt income. 7 C.F.R. §273.9(b). From that income, certain deductions are allowed. The deductions include a standard deduction, which currently is \$155 per month. 7 C.F.R. §273.9(d)(1); FS Handbook, Appendix 4.6.2. Another deduction is the earned income deduction, which equals 20% of the household's total earned income. 7 C.F.R. §273.9(d)(2); FS Handbook, App. 4.6.3. A third possible deduction is for medical expenses exceeding \$35 in a month for elderly or disabled persons. 7 C.F.R. §273.9(d)(3); FS Handbook, App. 4.6.4. A fourth deduction is for child/dependent care. 7 C.F.R. §273.9(d)(4); FS Handbook, App. 4.6.6. The final deduction is for shelter expenses; the deduction is equal to the excess expense above 50% of net income remaining after other deductions. 7 C.F.R. §273.9(d)(5); FS Handbook, App. 4.6.7.

The net income limit for a household of one is \$973. Handbook, App. 8.1.1.

When the agency reviewed petitioner's case in April, after taking all allowable deductions, her net income was \$2,134, well above the FS income limit. See Exhibit 3, page 3, the FoodShare Budget dated April 1, 2015. Petitioner testified that her earned income was high in June, that she usually works 16 hours per week. That averages \$416 per pay period, or \$894.40 per month (for FS, bi-weekly income is multiplied by 2.15 because there are more than four weeks every month except February). Petitioner also noted that she does not receive UC anymore. Thus if we add only the \$894.40 to \$1,212 social security, the total gross income is \$2,106.40. I ran the income and expenses through the FS budget calculation. Petitioner's net income would be \$1,772.50, still well above the FS net income limit.

CONCLUSIONS OF LAW

The agency has determined correctly that petitioner's net income is above the FS limit.

THEREFORE, it is

ORDERED

That the petition for review herein be and the same is hereby dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

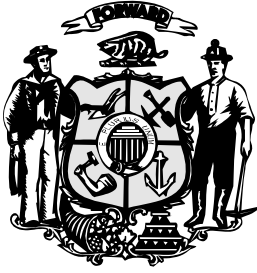
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 10th day of July, 2015

\sBrian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on July 10, 2015.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability